United Nations S/2016/830

Security Council

Distr.: General
30 September 2016

Original: English

Third report of the Secretary-General on the threat posed by ISIL (Da'esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat

I. Introduction

1. In adopting its resolution 2253 (2015), the Security Council expressed its determination to address the threat posed to international peace and security by Islamic State in Iraq and the Levant (ISIL, also known as Da'esh)[1] and associated individuals and groups, as well as emphasizing the importance of cutting off its access to funds and preventing it from planning and facilitating attacks. In paragraph 97 of the resolution, the Council requested me to provide an initial strategic-level report, followed by updates every four months thereafter.

2. The present report was prepared with the input of the Counter-Terrorism Committee Executive Directorate and of the Analytical Support and Sanctions Monitoring Team pursuant to Security Council resolution 1526 (2014) and 2253 (2015) concerning Islamic State in Iraq and the Levant (ISIL) (Da'esh), Al-Qaida and the Taliban and associated individuals and entities, which supports the work of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, as well as in close collaboration with the Counter-Terrorism Implementation Task Force, the United Nations Counter-Terrorism Centre and other relevant United Nations actors and international organizations. In addition to providing an update on the gravity of the threat posed by ISIL and associated groups and entities, I also consider the presence and influence of ISIL outside Iraq and the Syrian Arab Republic, including in Yemen, East Africa, and South and South-East Asia. In the report, I have adopted a regional focus in highlighting the efforts and progress of Member States of South and South-East Asia to implement counter-terrorism measures in a number of thematic areas, and I consider how Member States are dealing with the issue of foreign terrorist fighters who return to their home States. The use of information and communications technology by ISIL, the issue of conflict-related sexual violence and the range of technical assistance and capacity-building efforts undertaken by the United Nations and its partners are also addressed.

[1] Listed as Al-Qaida in Iraq (QDe.115).

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II. Overview of current threat

A. ISIL under pressure in conflict zones

3. Since my second report (S/2016/501), ISIL has continued to experience significant military setbacks in Iraq and the Syrian Arab Republic. ISIL affiliates, which had taken on a more prominent role, have also been subjected to sustained attacks in their strongholds in Afghanistan and in Sirte, Libya. This has undermined the group's ability to achieve its key objective of holding territory. One Member State reported that continuing military pressure in Iraq and the Syrian Arab Republic had forced the group's core leadership to change its command and control structures in those States by transferring decision-making powers downwards and reducing centralized management (see S/2016/629, para. 7).

4. The military setbacks have placed significant pressure on the group's capacity to generate assets, especially income from the sale of oil (see S/2016/501, para. 10). Since the publication of my second report, ISIL has continued to struggle financially, while at the same time attempting to adapt to its new reality. ISIL has intensified its efforts at "taxation"/extortion to compensate for the loss of revenue from oil and, by some estimates, earns as much as $30 million per month from this revenue source, which includes forced "zakat", business "taxes", fees for electricity and water, "rent" for seized real estate, and customs duties and passage fees (see S/2016/629, para. 14). In response to these financial pressures, ISIL has increased the rate and number of its "taxes" and has even been "taxing" the most impoverished civilians, who had previously been excluded (see ibid.).

5. The worsening financial situation has weakened the group's ability to "govern" (see ibid., para. 13). Salary cuts and delays in payment have also led some ISIL fighters to abandon the group.[2] Reports of corruption, including theft of money and gold, within its ranks may be another sign of the group's deteriorating finances (see ibid., para. 15).

6. As ISIL continues to lose territory, its ability to raise funds through "taxation"/extortion will also dwindle. Consequently, it may be forced to rely on more traditional terrorist revenue streams, including criminal activities such as kidnapping for ransom[3] and external donations.[4] According to one assessment, ISIL may also become involved in various forms of smuggling, which might be less profitable, but also more difficult to counter through military action.[3]

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[2] Testimony of the Assistant Secretary for Terrorist Financing, Daniel L. Glaser, to the Subcommittee on Terrorism, Non-proliferation and Trade of the House Committee on Foreign Affairs and the Emerging Threats and Capabilities Subcommittee of the House Committee on Armed Services, 9 June 2016.

[3] House of Commons Foreign Affairs Committee, "The UK's role in the economic war against ISIL", 5 July 2016, paras. 47-48.

[4] Thus far, ISIL has not been dependent on external donations. As ISIL loses territory, not only will it lose the revenue streams associated with its control of territory, but the "burn rate" (indicating how fast it is using up its funds) will also decline (see S/2014/815, para. 79) as costs associated with control of territory decrease. Thus, even if they continue on the same scale, donations may account for a bigger percentage of the group's overall income and play a more significant role in its overall finances.

7. The military offensive of August 2016 aimed at ending the group's control over the Syrian city of Manbij, combined with the continuing military pressure exerted on ISIL in surrounding areas, will place additional pressure on the group, including by limiting its access to international borders outside the immediate conflict zones.

B. Strategic competition and tactical cooperation

8. The threat posed by ISIL continues to be significant and to diversify. Since my second report, Al-Qaida and ISIL and associated entities have continued to compete strategically. Despite the competing visions of "emirate" and "caliphate", and violent clashes concerning resources and territory,[5] however, ISIL operatives have used their personal relationships with individuals from Al-Qaida to support their preparations for major attacks in Europe (in 2015 and 2016) and Kenya (in 2015). Member States also noted that Al-Qaida in the Arabian Peninsula and ISIL had provided operational support to each other in Yemen. This demonstrates that personal relationships between individual terrorists can be more important than a shared belief in a radical ideology. Individuals who leave conflict zones to perpetrate attacks in their States of origin or in other conflict zones may be able to count on the support of a number of groups and therefore present an elevated concern.

C. Increasing numbers of returnees

9. The military pressure currently being exerted on ISIL in Iraq and the Syrian Arab Republic has resulted in an increase in the number of foreign terrorist fighter returnees, in particular to Europe and the Maghreb. This poses new challenges to Member States. Foreign terrorist fighters and returnees have adjusted to countermeasures taken by Member States through the use of "broken travel", encryption and the "dark net".

10. Member States have informed the Monitoring Team that the number of foreign terrorist fighters returning to their States of origin or residence and potentially intending to perpetrate attacks, along with the number of individuals being radicalized within those States, present a growing challenge to global security. The relative frequency of arrests of active ISIL cells around the globe since my second report demonstrates this growing risk.

D. Modus operandi of external attacks

11. The increasing number of returnees may signal a weakening of the group's ability to retain fighters and supporters in conflict zones. However, ISIL has responded to military pressure by increasing the number of externally directed and facilitated attacks and by employing deadlier tactics. The modus operandi used by ISIL operatives in conducting multiple, nearly simultaneous attacks, such as in

[5] Mainly in Afghanistan and the Syrian Arab Republic.

Brussels, Istanbul (Turkey) and Paris,[6] poses particular problems in terms of the security response. First, the flow of information into command and control centres can be overwhelming. Member States reported that that was a deliberate tactic aimed at making it more difficult for States to mount coordinated and targeted responses (see S/2016/629, para. 5). The attacks in Paris in November 2015 demonstrated that the terrorists had studied previous active-shooter scenarios and learned lessons about how to maximize confusion and casualties.

12. In addition to the large-scale operations mounted by ISIL overseas, there have been numerous attacks perpetrated by individuals or small cells. In some cases, the individuals have professed allegiance to ISIL in advance. In others, ISIL has claimed the attackers as its "soldiers". These attacks may have been inspired, rather than directed, by ISIL, but their effects are just as significant, both in terms of the impact on public consciousness and the loss of life.

E. Continuing misuse of information and communications technology by terrorists

13. ISIL continues to assert itself in cyberspace. Potential recruits are increasingly instructed by ISIL recruiters to use closed forums and encrypted messaging systems (see S/2016/629, para. 6). This ongoing recruitment activity is helping to build an ever-increasing transnational network of ISIL sympathizers and fighters, thereby obviating the need for physical proximity between leaders and operational figures. Moreover, ISIL continues to be a prolific publisher of online propaganda, the continued military pressure notwithstanding.

14. Communications through the "dark net" or through encrypted messaging also undermine the ability of even the most sophisticated law enforcement agencies to intercept, and act upon, terrorist messages. Consequently, Member States may lose much of their acquired technological advantage over terror groups.

F. Continuing use of conflict-related sexual violence

15. As noted in my second report (S/2016/501, paras. 44-47), ISIL continues to systematically use sexual violence against Yazidi women and girls in Iraq and the Syrian Arab Republic, as well as against other minorities caught up in the conflict. Even though some women have managed to escape their captors, around 3,800 abducted Yazidis were still missing at the time of writing. This is a matter of grave concern. Those who have escaped have described the appalling conditions under which they were bought, sold, traded and abused. Both girls and boys are advertised online and traded for weapons, suicide vests, cars and a range of other commodities. Thus far, no formal mechanisms have been established to secure the release of those held captive by ISIL. Those who have managed to escape have done so with the help of their families and smugglers or by taking advantage of other opportunities. Some have resorted to suicide as their only escape. The children of women who commit suicide, or who attempt to escape, are beaten or killed as punishment.

[6] The ability to carry out such complex attacks was also demonstrated by Al-Qaida in the Islamic Maghreb (QDe.014) in the multi-stage attacks perpetrated in Gao, Mali, on 31 May 2016.

16. In Libya, groups pledging allegiance to ISIL have, in some cases, subjected forcibly recruited boys to sexual violence (see A/HRC/31/47).

III. Evolving threat posed by ISIL

17. To highlight the threat presented by ISIL to various regions of the globe, in this report I focus on South-East Asia and Yemen and East Africa.

A. Threat to South-East Asia

18. The rise of ISIL and its establishment of a "caliphate" have also reverberated in South-East Asia, inspiring new individuals and re-energizing pre-existing terrorist networks,[7] thereby presenting a resurgent threat to the region. According to one Member State, for the first time since the Afghan conflict, South-East Asian extremists have travelled abroad in a systematic manner to join a global militant movement, thereby developing combat skills and establishing contacts.[8]

19. South-East Asian foreign terrorist fighters are not only inspiring, but also actively directing, attacks in the region. One Member State noted that the grenade attack on the Movida nightclub in Malaysia in June 2016, which injured eight people, had been directed by a Malaysian foreign terrorist fighter in the Syrian Arab Republic. Numerous ISIL-related plots have also been disrupted by authorities in South-East Asia, and hundreds of individuals have been arrested.

20. According to Member States, there has been an uptick in ISIL activity focused on the region in recent months. In June 2016, a group purporting to be an ISIL division in the Philippines released a video on social media depicting Indonesian, Malaysian and Filipino fighters in the Syrian Arab Republic performing executions and urging countrymen who could not travel to the Syrian Arab Republic to join ISIL in the Philippines, carry out attacks at home or send money, thus further aggravating the concern that the southern Philippines could become a hub for fighters from the region (see S/2016/629, para. 51).[9] Also in June, ISIL launched a local-language publication focused on South-East Asia,[10] in a further indication of the region's growing importance to the group's global agenda.

21. The group's focus on South-East Asia is not limited to propaganda. Funds have been channelled to the region from Iraq and the Syrian Arab Republic,[10] for

[7] Includes former Jemaah Islamiyah (QDe.092) supporters.

[8] According to a recent regional risk assessment produced under the co-leadership of the financial intelligence units of the Australian Reporting and Analysis Centre and the Indonesian Financial Transaction Reports and Analysis Centre and drawing on information from other regional States, 568 Indonesians are involved in the conflict in Iraq and the Syrian Arab Republic and 183 are believed to have returned to Indonesia. Eight Malaysian foreign terrorist fighters have been arrested and convicted upon their return to Malaysia. See "Regional risk assessment on terrorism financing 2016: South-East Asia & Australia", August 2016, p. 12.

[9] A number of groups operating in the Philippines, including elements of the Abu Sayyaf Group (QDe.001), have pledged allegiance to Abu Bakr al-Baghdadi. One Member State noted that the Group's capabilities with regard to kidnapping for ransom had grown and become more sophisticated as a result of the ransoms received. See also S/2014/770, para. 50.

[10] Information provided by a Member State.

example for the attack of January 2016 in Jakarta from an ISIL cell based in Iraq and the Syrian Arab Republic to a network in Indonesia.[11] Funds have also been collected locally to fund operations in the region.[10]

22. The recent attacks in South-East Asia, such as in January 2016 in Jakarta and in June 2016 in Malaysia, have not involved sophisticated tactics and methods.[10] Nonetheless, because the commitment to conduct further attacks is present, the risk remains that battle-hardened returnees from Iraq and the Syrian Arab Republic[12] or convicted terrorists released from prison who seek to re-engage with terrorist networks[13] will bridge the expertise gap.

B. Threat to Yemen and East Africa

23. In 2014, an ISIL-affiliated group was established in Yemen, with leadership, direction and financing from the ISIL core in Iraq and the Syrian Arab Republic. Member States of the region report that ISIL fighters of various nationalities[14] have also joined ISIL in Yemen. Even though it has intensified its attacks, especially in the Aden area, and has been recruiting in Yemen, ISIL has not yet managed to gain significant local support and is generally rejected by the population.

24. As with attacks by Al-Qaida in the Arabian Peninsula in the country, ISIL in Yemen targets government buildings and officials. The fierce propaganda competition between Al-Qaida in the Arabian Peninsula and ISIL in Yemen notwithstanding, there are no reports of direct clashes between them. Based on reports by Member States, fighters from the two groups appear to be prepared to cooperate at the tactical level.

25. The ISIL leadership has maintained a close interest in Yemen. It is monitoring operations on the ground and gives guidance and direction to its fighters there. In January 2016, an internal leadership struggle within ISIL in Yemen was swiftly addressed by the ISIL core (see S/2016/629, para. 27).

26. Member States have observed the emergence of two ISIL cells in Somalia. The first operates in the Bari mountains of the Puntland region. This group is led by Abdulqader Mu'min, a former Al-Shabaab leader who switched allegiance to ISIL in 2015. The strength of this cell is estimated by Member States at around 300 fighters, who receive financial and logistical support from ISIL in Yemen. One Member State reported that a weapons shipment had been delivered by sea from Yemen early in 2016. Member States reported that ISIL fighters in Somalia were posting photographs of arms smuggled from Yemen on social media. Although ISIL in Yemen is aiding the new ISIL faction in Somalia, the aid is deemed to be

[11] "Regional risk assessment on terrorism financing 2016: South-East Asia & Australia", August 2016, pp. 16 and 33. According to this risk assessment, "while outflows to foreign conflict zones pose a high risk, concern is growing over signs of funding entering the region to support local terrorist actors", p. 4.

[12] See, for example, Thomas Koruth Samuel, *Radicalisation in Southeast Asia: a Selected Case Study of Da'esh in Indonesia, Malaysia and the Philippines* (Kuala Lumpur, Southeast Asia Regional Centre for Counter-Terrorism, 2016), p. 105.

[13] Information provided by Member States.

[14] In particular Iraqi, Saudi Arabian, Syrian and Tunisian nationals.

insufficient by Somali ISIL fighters. According to the assessment of several Member States, support is limited because ISIL in Yemen needs to focus its resources on Yemen in order to tackle competition from Al-Qaida in the Arabian Peninsula.

27. Member States noted that the second ISIL-aligned group, Jabha East Africa, was operating in southern Somalia in the Raas Kaambooni area. In April 2016, the group announced its allegiance to ISIL, criticizing Al-Shabaab and its links to Al-Qaida and calling upon East Africans to leave Al-Shabaab and to view joining ISIL as an opportunity to wage terrorism more widely. Member States pointed out that the strength of that ISIL-aligned group could not yet be accurately determined.

28. Member States consider that ISIL faces strong resistance in Somalia from Al-Shabaab, which sees ISIL as a new competing faction and has already killed some of its own former members who had defected to ISIL. Member States also noted that around 50 Al-Shabaab defectors had travelled to Yemen in February 2016 and that 17 had joined ISIL in Libya.

IV. Updates on implementation by Member States of the relevant counter-terrorism resolutions

29. The emergence of ISIL and its success in recruiting foreign terrorist fighters have created additional counter-terrorism challenges and increased the urgency of the need to respond to the rapid evolution and escalation of the current terrorist threat through enhanced counter-terrorism measures. The primary responsibility for countering the threat of ISIL lies with Member States. In the present report, I highlight implementation actions taken in South-East Asia, focusing on the issues of returning foreign terrorist fighters and the steps taken by Member States, in particular those of South and South-East Asia, to prosecute, rehabilitate and reintegrate returning nationals.

A. Implementation by Member States of South and South-East Asia

30. Several States of South-East Asia have been the victims of major terrorist attacks. Since the first ISIL-backed[15] suicide bombing took place in Jakarta in January 2016, Indonesia, Malaysia,[16] the Philippines and Singapore[17] have made arrests and thwarted several ISIL-backed terrorism plots.

1. Counter-terrorism strategies and institutional frameworks

31. Four States have introduced and continuously updated national counter-terrorism strategies and have established national counter-terrorism coordinating bodies consisting of all government agencies engaged in countering terrorism with the aim of enhancing inter-agency information exchange and cooperation. They have also

[15] Considered to have been inspired by a South-East Asian ISIL unit in the Syrian Arab Republic.
[16] As at 27 June 2016, 213 terrorist suspects had been arrested in relation to ISIL activities.
[17] On 5 August 2016, six terrorists were arrested for planning to attack Marina Bay in Singapore.

established special counter-terrorism units[18] within the police and the prosecution services. The Association of Southeast Asian Nations (ASEAN) has introduced several regional instruments to combat terrorism, including the ASEAN Convention on Counter-Terrorism of 2007 and the Comprehensive Plan of Action on Counter-Terrorism.[19] In July 2016, at the twenty-third meeting of the ASEAN Regional Forum, held in Vientiane, ministers for foreign affairs reaffirmed the importance of fully implementing those instruments, but further work is needed.

2. Criminal justice and legislation

32. Member States of the region continue to take steps to bring their legislation into line with the requirements set out in resolution 2178 (2014). Two Member States have responded swiftly to the foreign terrorist fighter phenomenon by introducing comprehensive counter-terrorism legislation. Two States have introduced special and administrative measures. One State introduced two new counter-terrorism laws in 2015 and amended its existing laws to prevent terrorist incidents. One State has amended its code of criminal procedure to extend detention periods during criminal investigations from seven days to six months for terrorism cases, with a possible extension of more than six months. Three States have indicated that they may cancel foreign terrorist fighters' travel documents to prevent their travel, and one State has introduced a legal provision to revoke the citizenship of such fighters. These measures raise human rights issues that should be carefully considered. Other States have not yet taken the steps necessary to implement resolution 2178 (2014), including measures to criminalize foreign terrorist fighter travel, the financing of foreign terrorist fighters, including their travel, receiving terrorist training, the recruitment of members to terrorist groups, preparatory acts and incitement to commit terrorist acts.

3. International cooperation

33. Because terrorist networks and foreign terrorist fighter travel transcend borders, Member States of different regions increasingly rely on international cooperation with States beyond their traditional bilateral cooperation networks. However, the assessments of the Counter-Terrorism Committee show that there are numerous challenges associated with effective international cooperation in stemming the foreign terrorist fighter flow.

34. In South-East Asia, there is no institutional or operational mechanism in place to conduct joint investigations. Terrorism investigations are conducted by individual States and investigative cooperation is rendered on an ad hoc basis only.

35. South-East Asian States adopted the Mutual Legal Assistance Treaty among Like-minded ASEAN Countries in 2004, and the secretariat[20] of the Treaty has established useful tools on its website. However, neither the Treaty nor the website

[18] Indonesia recently created a task force to counter foreign terrorist fighters, in addition to an anti-terror unit and a counter-terrorist financing task force.

[19] The Counter-Terrorism Committee Executive Directorate helped to develop the Comprehensive Plan of Action on Counter-Terrorism.

[20] The secretariat sits with the Malaysian Attorney-General's Chamber.

has been fully utilized[21] by ASEAN member States. There is no regional agreement on extradition.

4. Countering the financing of ISIL and foreign terrorist fighters

36. Although many Member States continue to face challenges in effectively implementing the requirements set out in the relevant Security Council resolutions on preventing and countering terrorist financing, there has also been progress in implementation. For example, the Indonesian financial intelligence unit will establish a national training centre for ASEAN States in Bogor in October 2016 to train, among others, officials of financial intelligence units, central banks and bodies involved in efforts to combat money-laundering and counter the financing of terrorism. Academic institutions, businesses, the media and communities will also be involved in the development of educational tools.

37. States members of the Financial Action Task Force and similar regional bodies are engaged in a review of the risks presented by ISIL and its affiliates with regard to terrorism financing. The top six high-risk States in terms of money-laundering and terrorism financing in South-East Asia and the Pacific regions are Australia, Indonesia, Malaysia, the Philippines, Singapore and Thailand. Two of the most-affected South-East Asian Member States (Malaysia and Singapore) have robust regimes in place to combat money-laundering and counter the financing of terrorism. Another State (Indonesia) had been subject to the monitoring process of the Financial Action Task Force as a result of strategic deficiencies, but made significant progress and was removed from the process in June 2015. In April 2016, the Philippines revoked its banking secrecy law to enhance its regime to combat money-laundering and counter the financing of terrorism.

38. One of the primary challenges for South-East Asian Member States is stemming the raising of funds for ISIL and other terrorist organizations. The most frequently used method to raise terrorist funds in South-East Asia is self-funding by legitimate sources. This presents a significant challenge for law enforcement. There have also been reports of fundraising through the abuse of non-profit organizations and crowdfunding. The physical transfer of cash is considered to be the most frequently used method. Although there is a legitimate concern about the use of new payment methods such as prepaid cards and e-money, terrorist financing through the regular banking system is still expected to rise significantly.

5. Law enforcement and border control

39. The design and implementation of comprehensive border-management strategies continue to be challenging for many Member States, especially in a context of porous borders. States have recognized, however, that putting in place effective border controls remains an essential aspect of countering terrorism and stemming the foreign terrorist fighter flow.

40. No South-East Asian State currently imposes transit visas, and ASEAN allows free movement of people without a visa within the region. Many Member States of this region are transit and destination States for ISIL fighters, however. All South-

[21] There is a strong need for technical assistance to enhance the processing of requests for mutual legal assistance.

East Asian States are increasingly aware of the need to enhance their border management and international cooperation to effectively stem the flow of foreign terrorist fighters. In November 2015, one State created a new border security agency to strengthen the control of people and goods. Only one State[22] has established immigration officers at border control points with direct access to the databases of the International Criminal Police Organization (INTERPOL). Only two States use advance passenger information[23] to screen for potential terrorist movements at border points. No State has a passenger name record system in place.[24]

41. The issue of forged and falsified travel documents is also a major problem. ASEAN is currently working to promote a digital identity initiative aimed at creating a unique traveller card for all citizens of its member States. Four States have introduced a national electronic identification mechanism with biometrics. States of the region have exchanged specimens of valid passports and trained immigration officers to detect forged travel documents.

6. Countering recruitment and preventing and countering violent extremism

42. States of South-East Asia are paying increased attention to the development of comprehensive approaches to countering and preventing recruitment and violent extremism, including by establishing partnerships with non-governmental actors. States have been strengthening community resilience against radicalization by mobilizing, empowering and networking with religious leaders, community leaders, teachers, young people, children, women, non-profit organizations and private entities in their efforts to counter violent extremism.

43. States continue to express concern at the abuse of the Internet and social media by ISIL and affiliates seeking to recruit new members and to incite the commission of terrorist acts. Governments are endeavouring to strengthen their monitoring and regulatory capacity. For example, Malaysia has launched a regional digital counter-messaging communication centre, which will be fully operational by the end of 2016, and Indonesia is establishing a national cyber agency. The ASEAN Association of Heads of Police and Japan have developed a shared database of websites relating to terrorism, which provides for the translation into English of terrorist propaganda in local languages to facilitate the sharing and analysis of information.

44. Governments and private communications services providers have been collaborating closely in developing counter-narratives and reducing the accessibility of certain content. Companies such as Facebook and Google have been providing platforms and training for young people, content creators and bloggers, in partnership with local government and civil society experts, on creating positive counter-narratives in Indonesia and Malaysia. A number of States have introduced and implemented laws and regulations aimed at detecting and preventing the use of information and communications technology for terrorist purposes and using e-evidence to bring terrorists to justice.

[22] Singapore ranks third in the world in terms of screening against the INTERPOL database of stolen and lost travel documents.

[23] The International Civil Aviation Organization will make advance passenger information mandatory for all its member States in November 2016. Singapore plans to introduce advance passenger information by 2019.

[24] Indonesia will introduce advance passenger information soon.

B. Prosecution, rehabilitation and reintegration strategies for returning foreign terrorist fighters

45. Since my second report, a growing number of Member States have addressed the potential threat posed by returnees through a broad range of criminal justice, administrative and rehabilitation and reintegration measures, as called for in resolution 2178 (2014). Given the serious threat that terrorism presents to national security and public safety, strong criminal justice measures are widely seen as the most appropriate response. However, the evolving terrorist threat and the risks posed by the increasing number of returning foreign terrorist fighters and deportees have, in many States, inspired the development of a more flexible approach to providing rehabilitation and reintegration programmes.

46. Several States report that a high proportion of their nationals returning from foreign terrorist fighter destinations have either not met the threshold for prosecution or that prosecutions can be brought only for relatively minor offences. States continue to face numerous challenges in their efforts to generate and convert intelligence into admissible evidence against suspected returning fighters. It also remains challenging for Member States to determine the most appropriate and proportionate responses to specific categories of travellers, including minors, dependent family members, persons with mental disabilities and other potentially vulnerable individuals, providers of medical services and other humanitarian needs and disillusioned returnees, or defectors, who have committed less serious offences.

47. Member States have strengthened their efforts to take a more preventive approach to terrorism, including by charging individuals with inchoate and preparatory offence in the early stages before any serious crime or travel has taken place. In such cases, individuals are likely to face only brief prison sentences, if any at all. Many States have also found that a number of individuals charged with terrorism-related crimes, including returning foreign terrorist fighters, have continued to incite, recruit, finance and even plot or prepare terrorist attacks, either during or after their incarceration. In the absence of effective prison-based rehabilitation and aftercare programmes, imprisonment can even exacerbate the risks presented by some inmates. A flexible, case-by-case approach to prosecuting returnees, which provides for the possibility of applying criminal measures, administrative measures and/or reintegration and rehabilitation programmes, can bring numerous benefits, including by enabling intervention before any serious criminal conduct occurs; a response to cases that do not meet the threshold for prosecution; a risk-based and proportionate response to individuals who have committed less serious crimes; a reduction in prison-based recruitment; and a more long-term response for individuals released from prison.

48. The overall progress made by Member States in developing and implementing rehabilitation and reintegration strategies as part of a more comprehensive approach to cases relating to terrorism and foreign terrorist fighters remains more limited in some of the most-affected regions (often in the same States in which criminal justice systems are overwhelmed and lack the capacity to investigate and prosecute complex cases effectively). Given that developing and implementing alternative measures for terrorism-related cases presents new challenges for most Member States, several Member States also require more time and experience to assess and evaluate the effectiveness of their approaches.

1. South Asia

49. Six Member States of South Asia (Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka) have developed and implemented rehabilitation and reintegration strategies as part of their approach to countering terrorism and/or in an effort to build peace, secure the transition from armed conflict or consolidate peace. Most rehabilitation and reintegration programmes in South Asia are aimed at addressing threats posed by domestic terrorist organizations and other non-State armed actors. Those programmes could also strengthen societies' resilience to the increasing efforts of ISIL to radicalize and recruit in States of the region and could be adapted to address the risks posed by returning foreign terrorist fighters. The programmes developed and implemented in the region are noteworthy for the variety of ways in which they have used economic measures, including assistance with housing, education and employment, to assist former terrorists and ex-combatants to reintegrate into society. In some States of the region, such assistance has been provided in the form of grants to ex-combatants' families and communities in order to ensure their support for the rehabilitation and reintegration process. The efforts made by States of the region to engage with individuals' families and communities in the reintegration process are also noteworthy and are likely to have played a role in reducing repeat offending.

50. Persistent and widespread violence and insecurity in some States of the region continue to present obstacles to efforts by States to expand their rehabilitation and reintegration programmes to the most-affected areas. Given the challenges faced by the criminal justice sector, there is also a risk that such programmes will be implemented in the absence of appropriate mechanisms to ensure oversight and review by a judicial or other competent independent authority throughout the programmes' duration. This also presents the risk that offenders will lack appropriate channels through which to challenge their detention or lodge complaints about their treatment. Some detention practices, including in cases involving minors, and poor prison conditions in some States of the region raise significant human rights concerns.

2. South-East Asia

51. South-East Asia has been managing terrorist prisoners and radicalized returnees or deportees since the 1950s. All most-affected States of the region have developed rehabilitation and reintegration programmes for terrorist prisoners. Counter-terrorism-related prosecution, rehabilitation and reintegration strategies have been implemented in Indonesia, Malaysia, the Philippines and Singapore. Thailand is currently developing its own approach, together with other States and organizations, including the Global Counterterrorism Forum. Some States have been able to rely on existing experience and expertise gained in using rehabilitation and reintegration programmes initially developed and implemented in response to the threats posed by localized terrorist organizations and non-State armed groups. Those programmes have been adapted in response to current threats, including that posed by ISIL and foreign terrorist fighters.

52. I should like to highlight some examples in this regard. In Indonesia,[25] all deradicalization and rehabilitation programmes for terrorist prisoners are implemented jointly by local governments and the national counter-terrorism coordinating agency at 71 correctional facilities in 23 provinces.[26] In 2015, the Government built a deradicalization centre[27] and is preparing to optimize and centralize the interpretation of deradicalization programmes. Singapore established a religious rehabilitation group in 2003 to counsel detainees alleged to hold extremist beliefs and to challenge inaccurate or unfounded understandings concerning religious doctrine. Malaysia has developed and published an integrated rehabilitation module for detainees to share its experiences.

53. Approaches to rehabilitation and reintegration have included prison-based programmes to prepare individuals to reintegrate into society following their release, in addition to aftercare, welfare and rehabilitation services to reintegrate former offenders. Rehabilitation and reintegration programmes are noteworthy for the way in which they draw upon the support of religious and social counsellors, together with community leaders and family members, in their implementation. States of the region have made a concerted effort to share their research and experiences with one another, as well as with States of other regions, systematically evaluate and assess their own approaches and work with relevant organizations to further strengthen those approaches. In some States, a lack of resources has undermined the implementation of rehabilitation and reintegration programmes. Repeat offending cannot be completely avoided,[28] but three States have achieved success in this area, reportedly by convincing particular detainees to renounce violence and obtaining their cooperation in counselling other terrorists and extremists in order to redirect them to non-violent beliefs. Empowering former terrorist inmates and victims is one of the most effective ways to counter radicalization.

V. Range of United Nations efforts in supporting the efforts of Member States to counter the threat of ISIL

54. Since my initial report, United Nations entities have taken a number of steps, in accordance with their individual mandates and in partnership with relevant international and regional organizations, to support the efforts of Member States to counter the threat of ISIL.

A. Foreign terrorist fighters

55. As noted by the Security Council in its presidential statement of 29 May 2015 (S/PRST/2015/11), the Counter-Terrorism Implementation Task Force Office has developed a capacity-building implementation plan to stem the flow of foreign

[25] Indonesia co-chairs the Global Counterterrorism Forum Working Group on Detention and Reintegration.

[26] There were 238 terrorist prisoners as at August 2016.

[27] It has a capacity of 150 persons and a library.

[28] For example, Bahrun Naim was a detainee in Indonesia and was released in 2014.

terrorist fighters, acting in close collaboration with the Counter-Terrorism Committee Executive Directorate and the Monitoring Team. The plan includes 37 project proposals, submitted by 12 entities, which address the full "life cycle" of the foreign terrorist fighter phenomenon, including radicalization, travel and financing, as well as eventual investigation and prosecution, rehabilitation and reintegration in the case of returnees.

56. On 13 July 2016, representatives of the Counter-Terrorism Implementation Task Force Office, the Counter-Terrorism Centre, the Counter-Terrorism Committee Executive Directorate, the United Nations Office on Drugs and Crime (UNODC) and INTERPOL met Member States to provide an update on the funding situation of the capacity-building implementation plan and emphasized the urgent need to ensure project implementation. It was also noted that the Centre's project to enhance the understanding of the foreign terrorist fighter phenomenon had been affected by the limited access granted by only a few Member States to returnees.

57. Since my second report, UNODC has continued to implement its global initiative on criminal justice responses to the threat posed by foreign terrorist fighters, which is aimed at strengthening national legal and operational frameworks and the capacity of criminal justice and law enforcement officials to respond effectively to the threat posed by foreign terrorist fighters in compliance with the relevant Security Council resolutions, including resolutions 2178 (2014) and 2253 (2015). The initiative is also aimed at facilitating judicial cooperation, including the sharing of good practices and information among the judiciary and law enforcement at the national, subregional and regional levels. Assistance has been provided to the States of the Middle East and North Africa, the Sahel, Central Asia and the western Balkans.

B. Criminal justice and legislation

58. UNODC has also developed, and is currently seeking financial support for, a programme for South and South-East Asian States on strengthening legal and institutional frameworks for the effective implementation and enforcement of measures targeting the financial flows and economic resources of ISIL, Al-Qaida and associated individuals, groups, undertaking and entities designated in resolutions 1267 (1999), 1989 (2011) and 2253 (2015).

59. During the reporting period, UNODC provided assistance on the prevention and criminalization of certain offences regarding foreign terrorist fighters to Kazakhstan and Kyrgyzstan through two workshops, held in Astana on 12 and 13 May 2016 and in Bishkek on 9 and 10 August 2016. UNODC has also been working with the national criminal justice institutions of Albania, Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, as well as Kosovo,[29] to develop a set of specialized training materials on the prosecution of foreign terrorist fighters for criminal justice practitioners. An expert group to discuss a module for judicial training met in Vienna on 6 and 7 September 2016.

[29] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

60. In May 2016, UNODC held two moot courts for criminal justice officers from Yemen on the investigation, prosecution and adjudication of terrorism cases, especially cases relating to terrorism financing and the incitement and glorification of terrorism. From 9 to 11 May, UNODC conducted a workshop in which the Jordanian judicial and law enforcement authorities discussed gaps and challenges faced in the investigation and prosecution of terrorism-related cases.

C. Countering the financing of terrorism

61. The Counter-Terrorism Centre capacity-building project on terrorist designations and asset-freezing is aimed at helping national regulatory agencies, central bank officials and private sector entities to identify, assess and take action against evolving fundraising and funds-transfer typologies used by ISIL. The capacity-building project includes training relating to the strategic use of sanctions, effective implementation methods, due process guarantees, recommended investigatory and prosecutorial practices and compliance techniques. In response to Security Council resolution 2253 (2015), the project has been expanded to include procedures relating to the designation of ISIL affiliates and the freezing of their assets in a manner compatible with international standards, including human rights standards.

62. The overall objective of the Counter-Terrorism Centre project on kidnapping for ransom is to build the capacity of States and non-governmental organizations in East, West and North Africa to achieve the safe return of hostages, while simultaneously denying terrorist groups such as ISIL the benefits of ransom payments or political concessions. Following two capacity-gap mapping events on responses to kidnapping for ransom, the Centre delivered a first capacity-building workshop on international best practices on addressing kidnapping for ransom, held in Addis Ababa on 28 and 29 June 2016, for government experts from Burundi, Djibouti, Ethiopia, Kenya, Rwanda, Somalia, Uganda and the United Republic of Tanzania. The workshop was focused on practical issues such as terrorist trends and case studies with regard to kidnapping for ransom; principles of hostage incident management; inter-agency cooperation; best practices in family liaison; the role of the media; principles of effective communication with kidnappers; legal aspects; managing the involvement of third parties such as interpreters and intermediaries; non-governmental organization perspectives; and post-release assistance. Six additional workshops are planned under this project.

63. Over recent months, UNODC capacity-building activities for States in the Middle East and North Africa have been focused mainly on strengthening judicial and law enforcement capacity to cut off the revenues and economic resources of terrorist groups, including ISIL. From 19 to 21 May, UNODC organized an advanced training workshop for Yemen, at which emerging terrorism-financing risks were addressed.

64. From 15 to 19 May, the UNODC Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism delivered a four-day course on countering the financing of terrorism ("financial disruption") to 20 representatives of agencies from Bahrain, Oman, Qatar and Saudi Arabia, including prosecution, law enforcement, security, finance and commerce officials. From 23 to 27 May, the Global Programme also provided briefings to more than 500 representatives of

special operations forces from 85 States on the role of threat finance and financial disruptions in countering transnational organized crime, terrorist financing, including ISIL, and corruption. In addition, it delivered a four-day financial analysis course on countering the financing of terrorism to financial intelligence investigators from a State member of the Gulf Cooperation Council from 8 to 11 August. The exercises and scenarios were focused on ISIL-related threats, including foreign fighter facilitation, improvised explosive device construction and domestic attack planning, drawing upon current cases from Iraq and the Syrian Arab Republic.

D. Law enforcement and border control

65. Since 2015, UNODC, acting in cooperation with the World Customs Organization, has been assisting Iraq to prevent terrorist groups, including ISIL, from obtaining, handling and using dual-use chemical materials through the provision of specialized training and the development of national strategies. It is currently considering the procurement of the relevant equipment, subject to funding availability.

66. To assist Member States to comply with their obligation pursuant to resolution 2178 (2014) to stem the cross-border flow of foreign terrorist fighters, the Counter-Terrorism Centre, in close cooperation with its project partners, the Counter-Terrorism Committee Executive Directorate, the International Air Transport Association, the International Civil Aviation Organization, INTERPOL, the International Organization for Migration and the Monitoring Team, convened the third of five regional workshops on raising awareness and building capacity with regard to advance passenger information. Aimed at European States, the workshop was held in Vienna in July 2016 in conjunction with the Organization for Security and Cooperation in Europe. In examining the critical role played by advance passenger information and the transfer of passenger data in stemming the flow of foreign terrorist fighters, States also discussed the need to take privacy and data-protection considerations into account. The Centre has also initiated the planning of the fourth workshop, for States of Central Asia and the Caucasus.

67. The Counter-Terrorism Centre continues its close cooperation with the Global Counterterrorism Forum and United Nations entities, including the Counter-Terrorism Committee Executive Directorate, the Monitoring Team, the International Organization for Migration, UNODC and the United Nations Development Programme, on a joint border security initiative, initially focused on the Sahel and the Horn of Africa. The Centre finalized the development of a document on good practices, based on lessons learned, including at the regional workshops mentioned in my second report. The document is intended to strengthen the border security and management capacities of Member States to counter terrorist and organized crime groups and stem the flow of foreign terrorist fighters. The Centre is developing future programming to build the capacities of Member States, at their request, to stem the flow.

68. With the aim of enhancing regional investigative cooperation, the Counter-Terrorism Committee Executive Directorate has been assisting the ASEAN Association of Heads of Police to establish a regional joint operations centre in Kuala Lumpur, where all ASEAN police officers would work together on a daily basis. ASEAN

member States would benefit not only from joint investigations, but also from daily information exchange and regional analysis on specific criminal trends.

E. Countering recruitment and preventing/countering violent extremism

69. Following the adoption by the General Assembly of resolution 70/291 pertaining to the fifth review of the United Nations Global Counter-Terrorism Strategy on the occasion of its tenth anniversary, and at my request, the Counter-Terrorism Implementation Task Force has established an inter-agency working group on preventing violent extremism to develop a coherent "All-of-United Nations" approach in supporting the efforts of Member States to prevent violent extremism, in particular through the development of national and regional plans of action to prevent violent extremism as and when conducive to terrorism. ASEAN and the United Nations plan to organize a workshop early in November 2016 on the Secretary-General's Plan of Action to Prevent Violent Extremism.

70. Since the adoption of resolution 2178 (2014), several United Nations entities, including the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate, the Counter-Terrorism Implementation Task Force, the United Nations Interregional Crime and Justice Research Institute, UNODC, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Entity for Gender Equality and the Empowerment of Women, have worked closely with international and regional organizations and civil society organizations, including the Global Counterterrorism Forum, the European Union Radicalisation Awareness Network, the Global Center on Cooperative Security, the International Centre for Counter-Terrorism and, more recently, the "Prevention Project — Organizing against Violent Extremism", to provide further guidance and assistance to Member States. Useful guidance in this area includes the following: the guiding principles on foreign terrorist fighters, prepared by the Counter-Terrorism Committee and published by the Security Council (see S/2015/939, annex II), including in particular guiding principles 30-32; the Global Counterterrorism Forum Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon; the Global Counterterrorism Forum Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders; and the Radicalisation Awareness Network Declaration of Good Practices for Engagement with Foreign Fighters.[30] In July 2016, OHCHR submitted a report on best practices and lessons learned on how protecting and promoting human rights help to prevent and counter violent extremism (A/HRC/33/29). Furthermore, the Human Rights Council convened a panel to discuss the human rights dimensions of preventing and countering violent extremism (see A/HRC/33/28).

[30] The Declaration is available at www.icct.nl/download/file/RAN-Declaration-Good-Practices-for-Engagement-with-Foreign-Fighters.pdf.

F. Protecting human rights while countering terrorism

71. OHCHR has highlighted the importance of ensuring that States integrate compliance with their obligations under international human rights law into their efforts to stem the flow of foreign fighters by strengthening initiatives to address the conditions conducive to terrorism; take measures to counter violent extremism, combat impunity and ensure accountability for any gross violation of international human rights law and serious violation of international humanitarian law; and ensure that any measures that they adopt in their efforts to stem the flow of foreign fighters and prevent the commission of criminal acts comply with their obligations under international human rights law (see A/HRC/28/28). The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has examined the human rights challenges posed by efforts to combat ISIL and expressed concern regarding the broad nature of some of the clauses contained in resolution 2178 (2014) and the possibility that the standard adopted for enforcement action could result in arbitrary enforcement action (see A/HRC/29/51). The Independent International Commission of Inquiry on the Syrian Arab Republic has continued its critically important work in investigating alleged violations of international human rights law, with a focus on crimes committed by ISIL (see, most recently, A/HRC/33/55 and A/HRC/32/CRP.2). The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination is engaged in an ongoing study of foreign fighters, including through country visits, panels of public experts and reports to the General Assembly and Human Rights Council (see A/71/318).

72. The Counter-Terrorism Implementation Task Force Working Group on Protecting and Promoting Human Rights and the Rule of Law while Countering Terrorism continues to guide the provision, by the Task Force Office and OHCHR, of human rights capacity-building training for law enforcement officials on human rights laws and standards in fair trials, pretrial detention, interview practices, special investigative techniques and the use of force in the context of preventing and countering acts of terrorism. Modules are drafted in response to the specific human rights needs identified by the Working Group in each context. In 2016, the project was implemented in Iraq, Nigeria and Tunisia. It awaits confirmation from Cameroon, Jordan and Mali for implementation in the fourth quarter of 2016. Under the auspices of the Working Group, five basic human rights reference guides have been published in English, French and Arabic on the following subjects: conformity of national counter-terrorism legislation with international human rights law, security infrastructure, the stopping and searching of persons in the context of countering terrorism, detention in the context of countering terrorism, and the right to a fair trial and due process in the context of countering terrorism. The two last-mentioned guides are distributed to participants during training. The Working Group also provides guidance on two continuing research projects with the aim of providing specific guidance to United Nations entities and Member States on human rights-compliant ways to curb the flow of foreign terrorist fighters and consider gender aspects and the protection of women's rights while countering and preventing terrorism.

73. In the context of promoting and protecting human rights, including children's rights, while countering terrorism, UNODC has helped States to strengthen their legal, policy and operational frameworks relating to children associated with violent extremist groups, including terrorist groups, through two subregional workshops (for Iraq, Jordan and Lebanon from 19 to 21 July 2016 and for Burkina Faso, Chad, Mali, Mauritania, the Niger and Senegal from 1 to 3 June 2016). In September, UNODC organized specialized training for Iraqi officers on preventing the forced recruitment of women by terrorist organizations, including ISIL.

G. Rehabilitation and reintegration strategies and mechanisms

74. The United Nations Interregional Crime and Justice Research Institute has enhanced its cooperation with Indonesia, Jordan, Kenya, Mali, Morocco, the Philippines and Thailand in the design and implementation of rehabilitation and reintegration programmes for violent extremist offenders and foreign terrorist fighters. It deploys tailored capacity-building activities and strategy support on the ground, focusing on the rehabilitation, reintegration and disengagement of foreign terrorist fighters in the detention context, inside and outside prison settings (e.g., a technical workshop held in Thailand from 12 to 14 September 2016 on the creation of programmes for the management of security detainees). Other capacity-building activities will be implemented by the end of 2016. These activities will help Member States to meet their obligations under resolution 2178 (2014).

H. United Nations bodies and field missions

75. The United Nations Support Mission in Libya (UNSMIL) has prepared assessment reports on ISIL, which it shares with Member States to support their efforts to counter the threat posed by the group. It also facilitates regular information-sharing on battlefield-related assistance delivered by individual Member States in efforts to combat ISIL. UNSMIL continues to support the efforts of the Presidency Council in leading the Libyan transition and the establishment of the Government of National Accord to curtail any further expansion of ISIL.

76. The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict continues to engage with the Iraqi authorities to address some of the pressing challenges faced by Iraq with regard to, among other things, the protection of mass graves, the documentation and collection of evidence on sexual violence crimes committed by ISIL and the overall issue of accountability and justice for those crimes. Early in 2017, the Office, acting in collaboration with the League of Arab States, Al-Azhar University and the United Nations Entity for Gender Equality and the Empowerment of Women regional office, will hold a workshop with Muslim leaders and scholars aimed at sending a clear message dissociating Islam from the use of sexual violence by violent extremist groups such as ISIL and calling for care and support for survivors of sexual violence, their families and communities.